

## MCA LIAISON COMMITTEE MEETING

February 24, 2005

Polycom meeting opened at 10:30 am by Rebecca Johnson, DBE Supportive Services Manager  
**Meeting held in Helena- Right of Way Conference Room**

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Donna Taylor	Oftedal	Pat Bibeau	Storm Water Construction
Marny Harrison	Century	Kim Lapke	Lapke Construction
Sue Platis	Highway Specialties	Ted Burch	FHWA
Katie Trotter	Poteet Construction	Leslie Wootan	MDT DBE Program
Wade Sellers	United Rentals-Alpine	Rebecca Johnson	MDT DBE - SS Program
Steve Baeth	JTL Group Belgrade	Elaine Arterburn	MDT DBE - SS Program

In attendance were Sue Platis - Highway Specialties, Donna Taylor – EH Oftedal, Marny Harrison – Century, Russ McDonald – MDT Tribal Liaison Officer, Vicky Koch – Civil Rights Bureau, Rebecca Johnson - DBE Supportive Services, Elaine Arterburn - DBE Supportive Services, Leslie Wootan - DBE Program. Hereafter referenced by first name in this document.

### 1. Welcome

Rebecca introduced guest Kyle Thomas, Project Supervisor with EH Oftedal.

### 2. Review and approve last month's meeting minutes

Meeting minutes of January 27, 2005 were approved as read.

### 3. Review Action Items

#### a. Special Fuel User Permit

If contractors pay taxes at the pump and are not going to seek a refund, the special fuel user permit is not applicable and contractors will not be liable for additional taxes at the end of the project.

#### b. Subcontractor Feedback System

Tabled for discussion another day. It was suggested to have a copy of a subcontract with prices - at least one month after bid letting to see comparisons.

### 4. Review of DBE Workshops

Rebecca stated that more prime contractor participation is needed at the workshops.

### 5. Upcoming DBE/Contractor Workshops

- **Great Falls Workshops**

- Reading Plans – March 14, 2005
- Bidding & Estimating – March 15, 2005

- **Pablo Workshop**

- Reading Construction Plans – March 24 & 25, 2005

## 6. MDT Project Work on Indian Reservations

The group discussed several issues and concerns as well as recommendations to address concerns as noted below:

Concern / Issue	Proposed Solution
Contractors need a current listing of TERO officers and directors	There is a list of known current TERO officers on MDT's website under Tribal Liaison.
Contractors need a copy of current TERO ordinances of each tribe.	
Constant dispute over the core crew and a defined number of Indian employees needed to be hired not just stating 95 % of the crew will be from the reservations.	
Reservations do not have a qualified drug test facility. No paperwork is provided to support drug testing performed by TERO offices. Why can't contractors run test of applicants?	
Lack of qualified skilled workers, e.g. CDL truck drivers – not certified qualified drivers.	Contractors define needed qualifications of applicants. TERO provide qualified applicants – state number of hours required in order to perform the work. What is their work experience?
Workers do not show up for work when scheduled – added cost to primes and subs.	
Contractors would like the TERO office to have a list of qualified individuals for the selection process.	
TERO office will not allow anyone to work unless they are from their reservation – regardless of Indian preference requirements.	
Tribal personnel don't want to leave their reservation to do other work when trained.	Work with SBA and TERO for a list of contractors available.
TERO fees should cover prime contractor fees for working on reservations. Employee fees are added to the 3% or 1% fee of the project. This is never up front in the pre-bid. Need to know all costs associated with the project before hand.	

Some projects are too short thus not allowing adequate time for training. Need skilled workers. Training every day on the job is costly.	Training dollars are available to the primes for specific categories for reservations. Off reservations 500 hours of training is usually there for primes to use. Based on size of the skilled labor not just on hours.
Family members seem to have preference on jobs on the reservation.	
TERO pull good employees from project without notice for other jobs leaving primes short handed or with unqualified workers.	
The number of contractors willing to work on reservations is decreasing due to added problems and costs.	
Policy decisions by MDT regarding concerns/issues working on reservations	Possibility of added specific requirements or understanding in the MOU and PSA going forward.

In conclusion, the group feels a tribal liaison person will help with communication barriers. Contractors need to take the initiative to develop relationships with the tribes before a project is identified for bid through attending tribal social events e.g., Pow Wow's, etc. Pre-bid conference is not being handled properly. Ask questions about their burial grounds, cultural issues or concerns, where is the gravel coming from, road being used, etc. PSA's and MOU's are in place before bids.

It was suggested to have a conference-type meeting such as Contractor Tribal Conference where the TEROs and contractors meet to discuss and address concerns/issues, as well as, begin to build relationships.

## 7. Other Business

Heather Long spoke with Rebecca regarding the check guarantee requirement – Contract Plans will now require a bid bond only. **Action:** Rebecca will check with Contract Plans.

Rebecca also asked the committee if this was a concern for any of them. For these primes it is not an issue.

## 8. New Business

- A problem has surfaced regarding the bona fidelity of trust fund companies. Contractors will need something in writing from DOL/ ERISSA to qualify the trust fund is bona fide for CRB records.
- DBE Liaison meetings will be bi-monthly in the future.

## 9. Action Items

Awarded subcontractors on projects could post quoted prices for comparison. It would be easier for the subcontractor to input items. Donna asked that a subcontractor wait a few days to get

quote prices on learning if they are used, as the contracting office does not know until estimators get back from the letting. Sue suggested tabling this so we could think about what would work and discuss it at the next meeting. Rebecca read a letter from Marny Harrison of Century Construction stating that she would like to see a subcontractor list of quotes used sent out right away as they often bid as a subcontractor and need that information.

## 10. Adjourn

Meeting was adjourned at 12:30 PM.

<b>ACTION ITEM LOG</b>				
<b>Action Item</b>	<b>Responsibility</b>	<b>Status</b>	<b>Date Assigned</b>	<b>Date Completed</b>
7. Check with the insurance commission for more agent listings.	Rebecca		10/29/04	
11. Special Fuel User Permit Notes	Rebecca		1/27/05	
12. Subcontractor Feedback System	Rebecca		1/27/05	
13. Check guarantee – Contract Plans	Rebecca		2/24/05	